



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 7, 2002**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 7, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION - Pastor Caleb Thompson, Capital City Baptist Church

Mayor Garcia called the meeting to order at 12:02 p.m.

The meeting was recessed at 12:05 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

1. Discuss legal issues concerning the City's provision of water and wastewater utility service in its extraterritorial jurisdiction.
2. Discuss legal issues related to *Austin Police Association. Combined Law Enforcement Associations of Texas. and Catherine Haggerty v. City of Austin*, Cause Number GN200259, filed in the 200th Judicial District Court of Travis County.
3. Discuss legal issues related to *Longhorn Partners Pipeline, L.P. v. City of Austin, et. al*, No. A-02-CA-001-SS and *Ethel Spiller, et. al v. Longhorn Partners Pipeline, L.P., et. al.*, Case No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas, Austin Division, and other legal issues related to hazardous pipelines.
4. Discuss legal issues related to *Austin 360 Associates, L.P. v. the City of Austin*, Cause Number GN-001372, in the 261st Judicial District Court of Travis County, Texas.
The discussion on this item was postponed to February 14, 2002.

Mayor Garcia announced that items 13 and 42 would also be discussed during Executive Session.

Executive Session ended at 2:00 p.m. and Mayor Garcia called the meeting back to order.

1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL

6. William J. Thomas -Signs and Parking - **ABSENT**
7. Mike Alexander - Term Limits
8. Jennifer L. Gale - City Council – Place One – Official Announcement for the people of Austin!
9. Dan L. Sulzer - Brackenridge
10. Gus Pena - Various issues that affect the lives and health of our residents of the City of Austin
11. Betty Edgemond - South Austin Community College

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Item 12 was pulled for discussion

Item 13 was set for a 3:30 p.m. time certain.

Items 14 and 15 were pulled for discussion.

16. C14-01-0148.004 – Central East Austin Neighborhood Plan Rezoning – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2314 East 7th Street out of the Central East Austin Neighborhood Plan area bounded on the west by IH-35, on the north by Martin Luther King Jr. Blvd., on the east by Chicon St./ Northwestern Ave., and on the south by E. 7th Street (Waller and Boggy Creek Watersheds) from LI, Limited Industrial Services district, zoning to CS-MU-CO-NP, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning. First reading on December 6, 2001; Vote: 7-0. Applicant: City of Austin. City Staff: Sue Hounsel, 974-6564; Sherri Gager, 974-3057. Note: A valid petition has been filed by the property owner in opposition to this rezoning request. (continued from 12/13/01 and 1/17/01)
Ordinance No. 020207-16 was approved, permitting automotive sales and rental along with the other prohibited and conditional uses approved with the Central East Austin Neighborhood Plan.

Item 17 was pulled for discussion.

18. Approve a resolution authorizing the purchase of Transmission Congestion Rights (TCR) credits from the ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT) and other qualified market participants in an annual recurring amount not to exceed \$3 million. (Funding is available through the Electric Utility Fuel Charge.)
Resolution No. 020207-18 was approved.
19. Approve an ordinance amending Section 17-2-233 of the City Code and Ordinance No. 010910-01 to change the permit fees charged to off-airport parking businesses for the privilege of using Austin-Bergstrom International Airport facilities. (Change in fee structure.) (Recommended by Airport Advisory Commission)
This item was postponed to March 7, 2002.
20. Approve an ordinance to amend Ordinance No. 010910-02 the 2001-2002 Capital Budget of the Transportation, Planning and Sustainability Department by appropriating \$781,020 for a new project, "Tuscany Way Street Improvements". (Funding in the amount of \$781,020 is available through a future interlocal agreement with Capital Metro. Issuance of long-term debt or cash will be used as a funding source only if Capital Metro funding is not made available.) (Related Item Nos. 31 and 32)

Ordinance No. 020207-20 was approved.

21. Approve a resolution authorizing execution of a two-month contract amendment with AIDS Services of Austin for HIV Services under the Ryan White Title I HIV Emergency Care grant: in an amount not to exceed \$108,430, for a total contract amount not to exceed \$1,046,909. (Funding in the amount of \$108,430 is available in the Health and Human Services Department Special Revenue Fund Ryan White Title I HIV Emergency Care grant program. Grant period is March 1, 2001 to February 28, 2002. Contract amendment performance period is January 1, 2002 to February 28, 2002.) (Recommended by HIV Planning Council)
- Resolution No. 020207-21 was approved.**

Item 22 was pulled for discussion.

23. Approve a resolution authorizing negotiation and execution of professional service agreements with the following four firms: LARSON/BURNS, INC., Austin, Texas; RICHARDSON VERDOORN, Austin, Texas; KELLOGG LANDSCAPE ARCHITECTURE CONSTRUCTION, INC., (WBE/FR, 88%) Bastrop, Texas; and WINTEROWD ASSOCIATES, INC., (WBE/FR, 78%) Austin, Texas; to provide professional landscape architectural consultant services on various projects for an estimated four year period or until financial authorization is expended, each agreement in an amount not to exceed \$400,000, with a total amount of the four agreements not to exceed \$400,000 (estimated approximately \$100,000 per each firm, varying with the amount of work needed for each job assignment and qualifications of selected consultants). (Funding in the amount of \$400,000 for these services is available in the Capital Budgets and/or Operating Budgets of the Parks and Recreation Department.) Best of six RFQs submitted. LARSON/BURNS, INC., 8.7% MBE, 18.2% WBE subconsultants participation; RICHARDSON VERDOORN, 9% MBE, 19% WBE subconsultants participation; KELLOGG LANDSCAPE ARCHITECTURE CONSTRUCTION, INC., 12% MBE, 0% WBE subconsultants participation; and WINTEROWD ASSOCIATES, INC., 14% MBE, 3% WBE subconsultants participation.
- Resolution No. 020207-23 was approved.**
24. Approve a resolution authorizing negotiation and execution of a sixty-month lease of approximately 3,160 square feet of office space located at 700 Lavaca, Suite 709, from TRAVIS REALTY CORP., Austin, Texas, for the Central Texas Library System, in an amount not to exceed \$370,993.95. (Funding in the amount of \$35,644.80 is available in the Fiscal Year 2001-2002 Operating Budget of the Central Texas Library System. Funding for the remaining fifty-four months of the original contract period is contingent upon available funding in future budgets.)
- Resolution No. 020207-24 was approved.**
25. Approve a resolution authorizing negotiation and execution of modification #1 to a contract with PSYCHROMETRIC SYSTEMS INC., Golden, CO, for the purchase of cable tray supports for the Cooling Tower for Sand Hill Energy Center in an amount not to exceed \$70,690, for a revised contract amount not to exceed \$1,977,248. (Funding in the amount of \$70,690 is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. There are no subcontracting opportunities, therefore, no goals were established.
- Resolution No. 020207-25 was approved.**
26. Approve a resolution authorizing execution of a contract with VELAN, INCORPORATED, Montreal, Quebec, Canada, for the purchase of industrial steel valves for the Sand Hill Energy Center, in an amount not to exceed \$490,000. (Funding is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) Best evaluated proposal/five proposals

received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. There are no subcontracting opportunities, therefore, no goals were established.

Resolution No. 020207-26 was approved.

27. Approve a resolution authorizing execution of a 12-month supply agreement to provide water meters for the Water and Wastewater Utility with: BADGER METER, INC., Milwaukee, Wisconsin, in an amount not to exceed \$323,783.27 with two 12-month extension options in an amount not to exceed \$323,783.27 for a total contract amount not to exceed \$971,349.81; and with HERSEY METERS COMPANY, Cleveland, North Carolina, in an amount not to exceed \$381,952.20 with two 12-month extension options in an amount not to exceed \$381,952.20 for a total contract amount not to exceed \$1,145,856.60; and with METRON-FARNIER LLC, Bolder, Colorado, in an amount not to exceed \$436,590 with two 12-month extension options in an amount not to exceed \$436,590 for a total contract amount not to exceed \$1,309,770. (Funding in the amount of \$571,162.74 is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining six months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low responsive bids/four bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. There are no subcontracting opportunities, therefore, no goals were established.

Resolution No. 020207-27 was approved.

28. Approve an ordinance to amend the Austin City Code, Section 16-4-15-Speed Limits, by adding Alameda Drive from 150 feet north of Rosedale Terrace to 105 feet south of Algarita Avenue to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Travis Heights Elementary School. (Funding in the amount of \$100 is available in the 2001-2002 Operating Budget of the Transportation, Planning and Sustainability Department for installation of the appropriate speed limit signs.)

Ordinance No. 020207-28 was approved.

29. Set public hearings for the full purpose annexation of the following annexation areas:
Woods of Century Park (Approximately 51 acres located in Travis County approximately four tenths of a mile east of the intersection of Burnet Rd and Century Park Blvd).
Brandt's Crossing (Approximately 135 acres located in south central Travis County on the northwest corner of the intersection of Brandt Rd and E Slaughter Ln).
Decker Lake Rd (Approximately 5 acres located in Travis County along Decker Lake Rd east of Blue Bluff Rd).

(Suggested Dates and Times: February 28, 2002 at 6:00 p.m., Lower Colorado River Authority Hancock Building; March 7, 2002 at 6:00 p.m., Lower Colorado River Authority Hancock Building)

Resolution No. 020207-29 was approved.

30. Set a public hearing on the Seaholm District Master Plan. (Suggested Date and Time: February 28, 2002 at 6:00 p.m.)

This item was postponed indefinitely.

31. Approve a resolution authorizing negotiation and execution of an interlocal agreement with Travis County to construct Tuscany Way from Exchange Drive to Ferguson Lane/Sprinkle Road in an amount not to exceed \$781,020. (Funding is available in the Amended Capital Budget of the Transportation Planning and Sustainability Department.) (Related Item Nos. 20 and 32)

Resolution No. 020207-31 was approved.

32. Declare official intent to reimburse an amount not to exceed \$781,020 in roadway reconstruction costs for Tuscany Way from Exchange Drive to Ferguson Lane/Sprinkle Road and amend the

two-year GO Bond Sale Schedule. (The amount of \$781,020 to be reimbursed from the proceeds of long term debt.) (Related Item Nos. 20 and 31)

Resolution No. 020207-32 was approved.

33. Set a public hearing to consider a request for a variance from the Land Development Code to allow encroachment of a building at 12103 and 12201 Tanglewild Drive in the 100-year floodplain of Walnut Creek, and to waive the requirement to dedicate a drainage easement to the limits of the 100-year floodplain. (Suggested Date and Time: February 28, 2002 at 6:00 p.m.)
Resolution No. 020207-33 was approved.
34. Set a public hearing to consider amending Chapter 8-3 of the City Code relating to the sale of alcoholic beverages near private schools. (Suggested Date and Time: February 28, 2002 at 6:00 p.m.)
Resolution No. 020207-34 was approved.

Items 35 and 36 were pulled for discussion.

37. Approve a resolution directing the City Manager to provide a cost estimate and time schedule to develop Phase II of the Watershed Protection Master Plan. (Council Member Beverly Griffith, Council Member Danny Thomas and Mayor Pro Tem Jackie Goodman)
Resolution No. 020207-37 was approved.
38. Discuss and appoint two additional Substitute Judges for the 2002 - 2003 appointment term. (Mayor Gus Garcia and Council Member Wynn)
Ordinance No. 020207-38 was approved, appointing Kirk Kuykendall and Katherine Benbow-Daniels.
39. Approve an ordinance correcting ordinance 010830-72 to provide for the waiver of signature requirements of Chapter 15-11 for the 3M 1/2 Marathon event held on February 3rd, 2002. (Council Member Will Wynn)
Ordinance No. 020207-39 was approved.

Item 40 was pulled for discussion.

Z-1 through Z-7 were zoning items.

Items 41 and 42 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS CONTINUED

14. Approve a resolution authorizing execution of a one hundred twenty month lease of approximately 22,000 square feet of office space located at 1100 East 11th Street, from AUSTIN REVITALIZATION AUTHORITY INC., Austin, Texas, for the Department of Neighborhood Housing and Community Development, in an amount not to exceed \$8,012,285.42. (Funding in the amount of \$598,180 for the first twelve months of the lease, for a total amount over ten years of \$8,012,285.42, with a present value of \$5,916,000. Funding for the remaining one hundred twenty months of the original contract period is contingent upon available funding in future budgets.) (from January 31, 2002)
Resolution No. 020207-14 was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.
12. Approval of minutes from the Work Session of January 30, 2002 and the Regular Meeting of January 31, 2002.

The minutes from the Work Session of January 30, 2002 and the regular meeting of January 31, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.

15. Approve a resolution directing the City Manager to take appropriate steps to reallocate remaining funds previously budgeted as the local match for the Congress Avenue Bridge Improvement TEA-21 Project, to fund an Interlocal Agreement with CAPCO utilizing the Central Texas Regional Visioning Project, a non-profit entity, for a regional plan to be performed by Fregonese-Calthorpe Associates; and directing the City Manager to negotiate and execute an Interlocal Agreement with CAPCO, in an amount not to exceed \$925,000. (Council Member Wynn) (from January 31, 2002)
The motion to postpone this item to February 14, 2002 was approved on Council Member Griffith's motion, Mayor Pro Goodman's second by a 6-0 vote. Mayor Garcia was off the dais as he abstained on this vote.
17. Approve a resolution authorizing execution of a construction contract with CADENCE MCSHANE CORPORATION, Austin, Texas, for the construction of the Central Austin Police Substation and Forensics Facility, located at 812 Springdale Road, in the amount of \$14,282,200 plus \$419,250 contingency fund, for a total amount not to exceed \$14,701,450. (Funding in the amount of \$14,701,450 is available in the 1999-2000 Amended Capital Budget of the Austin Police Department.) Lowest of nine bids received. 7.19% MBE, 1.39% WBE subcontracting participation. (from January 31, 2002)
The motion to reject all bids and re-bid this contract was approved on Council Member Alvarez' motion, Council Member Thomas' second by a 7-0 vote.
22. C814-00-2063 - Wildhorse PUD - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located approximately 2000' south from the intersection of Blue Bluff Road at Old Highway 20 (Gilleland Creek, Decker Creek Watersheds) from I-RR, Interim-rural residential, district to PUD, Planned Unit Development, district zoning. First reading on December 6, 2001; Vote: 6-1, Wynn-Nay. Applicant: Wildhorse Holdings, Ltd. (Pete Dwyer). Agent: Armbrust Brown & Davis (David Armbrust) City Staff: Annick Beaudet, 974-2975.
The second reading of this ordinance was approved, adopting staff's recommendation that was adopted during first reading, on Council Member Griffith's motion, Council Member Thomas' second by a 6-1 vote. Council Member Wynn voted no. Council directed staff to continue to negotiate.
13. Approve a resolution 1) authorizing execution of an amendment to the Brackenridge Hospital lease agreement for revisions related to the provision of reproductive services, including the removal of the 5th floor from the lease and adjustments in payments, and an Ancillary Services Agreement, with the Daughters of Charity Health Services of Austin, d/b/a Seton Medical Center, and 2) directing the City Manager to conduct analyses of the current health care system in Austin/Travis County and develop alternatives and solutions, over a three year period, with annual reports to the Council, and 3) directing the City Manager to make a recommendation to the Council on the process to implement this analysis, in coordination with the Elected Officials Collaborating on Regional Health Care and their appointed Technical Advisory Committee. (from January 31, 2002)
Resolution No. 020207-13 was approved with a friendly amendment as shown below on Council Member Wynn's motion, Mayor Garcia's second by a 5-2 vote. Those voting in favor were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Alvarez, Slusher and Wynn. Those voting nay were: Council Members Griffith and Thomas. The friendly amendment from Mayor Pro Tem Goodman was to add two sentences to section 17 of the document attached to Resolution labeled 02, entitled Amendment to Lease

Agreement Relating to Brackenridge Hospital Dated as of September 29, 1995 between the City of Austin, Texas and Daughters of Charity Health Services of Austin, D/B/A Seton Medical Center, as follows, "Seton and its employees shall not obstruct access, including access by the Patient Assistance Organization working on behalf of the City to assure access to the new hospital, to the independently licensed New Hospital's provision of services, referral or medical care nor interfere with persons who come to Brackenridge Hospital who wish to go to the New Hospital, for themselves or on another's behalf. Seton will inform its medical staff and other persons affiliated with Seton's provisions of services of its obligation under this section 17." This was accepted by the maker of the motion and Mayor Garcia, who seconded the motion.

The meeting was recessed at 5:49 p.m.

Mayor Garcia called the meeting back to order at 6:39 p.m.

ZONING CONSENT

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Council Member Thomas' second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

- Z-1. C14-01-0026 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10106 Giles Lane (Decker Creek Watershed) from DR, Development Reserve district, zoning to LI, Limited Industrial Services district, zoning for Tracts 1 and 3, and RR, Rural Residence district zoning for Tract 2. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Services-Conditional Overlay Combining district, zoning with conditions for Tracts 1 and 3, and RR, Rural Residence district, zoning on Tract 2. Applicant: Giles Holding. L.P. Agent: Associated Consulting Engineers. Agent: City Staff: Annick Beaudet, 974-2975. (continued from 8/23/01, 9/27/01 and 12/6/01)
This item was postponed to April 11, 2002 at the applicant's request.
- Z-2. C14-01-0143 (SH) – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 Teri Road (Williamson Creek Watershed) from SF-3, Family Residence district, zoning to MF-3, Multifamily Residence Medium Density district, zoning. Zoning and Platting Commission Recommendation: To grant MF-3-CO, Multifamily Residence Medium Density-Conditional Overlay Combining district, zoning with conditions. Applicant: University of Texas System (James S. Wilson). Agent: Jim Bennett. City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020207-Z2 was approved.
- Z-3. C14-01-0151 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 Nueces Street (Shoal Creek Watershed) from MF-4, Multifamily Residence Moderate-High Density district, zoning to GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district, zoning. Zoning and Platting Recommendation: To deny GO-MU-CO, General Office-Mixed Use-Conditional Overlay Combining district, zoning with conditions. Applicant: Walter B. Palmer Foundation. Agent: McHone Real Estate (Mike McHone). City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 11/29/01 and 12/13/02)
This item was postponed to April 11, 2002 at the applicant's request.

Item Z-4 was pulled for discussion.

- Z-5. C14-01-0170 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 West Slaughter Lane (Slaughter Creek Watershed) from SF-2, Single Family Residence Standard Lot district, zoning to LO, Limited Office district, zoning. Zoning and Platting Commission Recommendation: To grant LO-CO, Limited Office-Conditional Overlay Combining district, zoning with conditions. Applicants and Property Owners: S. Andrew and Stephanie H. Andrasi. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020207-Z5 was approved.
- Z-6. C14-01-0174 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 5400 Parmer Lane (Walnut Creek Watershed) from I-RR, Interim Rural Residence district, zoning to LI-PDA, Limited Industrial Services-Planned Development Area district, zoning. Zoning and Platting Commission Recommendation: To grant LI-PDA, Limited Industrial Services-Planned Development Area district, zoning. Applicant: Villas at Stone Oak Ranch, LP (Ron Inscore). Agent: Carter-Burgess, Inc. (Carol Koenig). City Staff: Sherri Gager, 974-3057.
Ordinance No. 020207-Z6 was approved.
- Z-7. C14-01-0187 (SH) – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as south of the southwest corner of Tannehill Road and Martin Luther King, Jr. Blvd. (Fort Branch Watershed) from SF-3, Family residence district, zoning to MF-4, Multifamily Residence Moderate-High Density district, zoning. Zoning and Platting Commission Recommendation: To grant MF-3, Multifamily Residence Medium Density-Conditional Overlay Combining district, zoning with conditions. Applicant and Property Owner: Thomas G. Warren. Agent: Nurock Group, Inc. (Robert H. Voelker). City Staff: Annick Beaudet, 974-2975.
Ordinance No. 020207-Z7 was approved, adopting the Zoning and Platting Commission recommendation.

ZONING DISCUSSION

- Z-4. C14-01-0161 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13505 R.R. 620 North (Lake Creek Watershed) from I-SF-2, Interim Single Family Residence Standard Lot district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant NO-CO, Neighborhood Commercial-Conditional Overlay Combining district, zoning with conditions. Applicant: KAF II Development Co. (Ford Smith, Jr.). Agent: Thrower Design (Ron Thrower) & Griffin Engineering Group, Inc. (Gregory Griffin, P.E.). City Staff: Sherri Gager, 974-3057. (continued from 1/10/02)
The public hearing was closed on Council Member Wynn's motion, Mayor Garcia's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Griffith were off the dais.

The first reading of this ordinance was approved for GR-CO zoning on Council Member Alvarez' motion, Council Member Wynn's second by a 5-0 vote. Mayor Pro Tem Goodman and Council Member Griffith were off the dais. Staff was directed to take all of the restrictions outlined in the restrictive covenant and put them in the conditional overlay, where possible.

DISCUSSION ITEMS CONTINUED

35. Approve an ordinance to amend the City Code relating to appeals to the Sign Review Board, and Nonconforming Signs. (The amount of \$5,775 in revenue for collection of notification fees.) (Recommended by Planning Commission) (Third Reading)

Ordinance No. 020207-35 was approved, amending the ordinance as currently drafted with one amendment: to keep the one for one replacement but the replacement sign must have 25% reduction in dimension for both width and height; if there is a two for one or three for one replacement, there would be a 25% reduction in the area of the face of the sign, on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 4-2-1- vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman and Council Members Alvarez and Thomas. Those voting nay were: Council Members Griffith and Slusher. Council Member Thomas abstained.

- 41. Conduct a public hearing and consider possible action on whether the City Charter should be amended to provide for the election of the Council from single-member districts.
The public hearing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

The motion to postpone this item to February 14, 2002 for possible action and for discussion at the February 13, 2002 Work Session, was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.

40. Construction Advisory Committee

Calvin Williams	appointment	Thomas
Jeff S. Kosub	appointment	Griffith

Library Commission

Carla Schuller Vasquez	reappointment	Alvarez
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Music Commission

Roger Brown	appointment	Thomas
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The meeting was recessed at 8:34 p.m. to go into Executive Session.

EXECUTIVE SESSION

- 36. Evaluate the performance and consider the compensation of the City Clerk.

Mayor Garcia announced that item 42 would also be discussed during Executive Session.

Executive Session ended at 9:37 p.m.

Mayor Pro Tem Goodman called the meeting back to order.

DISCUSSION ITEMS CONTINUED

- 42. Conduct a public hearing and consider two appeals of the Zoning and Platting Commission's decision to approve a new Conditional Use Permit for a Day Care Service, which allows for an increase in the enrollment cap and to allow access to the site from adjacent residential streets, prohibited in the original Conditional Use Permit. The proposed site is located at 6301 Woodrow Ave. File # SPC-98-0182A Rev. #1. The first appeal is being made by Dr. Clifford Hobbs, Chairman, Board of Directors, Northwest Baptist Church. The second and separate appeal is being made Ann and Richard Thames, Property Owners. City Staff: Thomas Bolt, Neighborhood Planning and Zoning Department, 974-2741.
The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.

The motion to uphold the neighborhood appeal and to deny a conditional use permit site plan revision for the Northwest Baptist Church Daycare; to leave the enrollment cap for the facility to 50 children; and to maintain only vehicle access onto Woodrow Ave., was approved on Council Member Wynn's motion, Council Member Slusher's second a 7-0 vote.

36. Approve a new compensation package for the City Clerk. (Mayor Gus Garcia)
Resolution No. 020207-36 was approved increasing the City Clerk's pay to \$3,901.51 per pay period, equivalent to \$101,439.31 per year, with a lump sum in the amount of \$1,470.14, on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 7-0 vote.

The motion to adjourn the meeting at 10:30 p.m. was approved on Council Member Thomas' motion, Council Member Wynn' second by a 7-0 vote.

The minutes from the Work Session of February 6, 200 and the Regular Meeting of February 7, 2002 were approved on Council Member Alvarez' motion, Mayor Garcia's second by a 7-0 vote.

The minutes from the regular meeting of February 7, 2002, from the Work Session of February 27, 2002 and the regular meeting of February 28, 2002 were approved on Council Member Wynn's motion, Mayor Garcia's second by a 7-0 vote.